THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.497 of 2006

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06.1.2006

Between:

Dama Ajay Kumar, S/o.Chanchaiah

... Petitioner

AND

The Commissioner, Municipal Corporation of Nellore

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.497 of 2006

ORDER:

The petitioner is a resident of Nellore. He is owner of flat No.101, Sri Sai Residency, Magunta Layout, Nellore. It is the case of the petitioner that on information given by the second respondent that he got permission for construction of ground + four floors and two duplex flats, he entered into agreement for construction of flats. Subsequently, he came to know that the second respondent got permission for construction of three floors i.e., three houses. He therefore brought the same to the notice of the first respondent requesting to take necessary action. It appears, he also pointed out number of deviations committed by the second respondent, in vain. Therefore, he filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents 1 and 3 in not taking action against the second respondent as per the representation dated 30.11.2005 as illegal and arbitrary.

The matter was initially called before this Court in the Forenoon. Sri T. Chandra Sekhar, learned Counsel representing Sri S. Venkateswara Reddy, learned Counsel for the second respondent sought for a pass-over to get instructions from the first respondent. Again when the case is called in the Afternoon, Sri T.Chandra Sekhar, learned Counsel submits that the second respondent constructed building in accordance with permit and there are no deviations. The same is recorded. However, if there are any deviations made in construction of flats/residential houses, it shall be open to the first respondent to issue notice to second respondent and take appropriate action in the matter.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

January 06, 2006.

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